

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

JOHN BRAUCHLE and ABIGAIL BRAUCHLE

PLAINTIFFS

VS.

CAUSE NUMBER: 1:08CV1539-HSO-RHW

STATE FARM FIRE AND CASUALTY CO.,
STATE FARM INS. COS.,
and JOHN DOES I-X and JANE DOES I-X

DEFENDANTS

JOINT MOTION FOR ORDER OF REMAND

COME NOW, both Plaintiffs and Defendant State Farm Fire and Casualty Company (hereinafter "State Farm"), by and through their respective counsel, and move the Court for an Order, remanding this matter to the Circuit Court of Harrison County, Mississippi, Second Judicial District.

As grounds, the parties would show as follows:

- 1) Each party has been represented by counsel of their own choosing;
- 2) The parties have had an opportunity to engage in discovery, whether on a formal or informal basis;
- 3) Plaintiffs have also entered into a Covenant Not to Execute establishing that the amount in controversy between Plaintiff and State Farm resulting from Hurricane Katrina shall never exceed the monetary threshold for this Court's jurisdiction;
- 4) Since Plaintiffs agree that their claim resulting from Hurricane Katrina does not and will never meet the jurisdictional threshold of 28 U.S.C.A § 1332, this case should be remanded to the appropriate State Court.

WHEREFORE, PREMISES CONSIDERED, both Plaintiffs and State Farm respectfully request that the Court remand this case to the Circuit Court of Harrison County, Mississippi, Second Judicial District.

Respectfully submitted,

/s/ Matthew G. Lyons

MATTHEW G. LYONS, MSB #1743

Attorney for Plaintiffs

/s/ H. Scot Spragins

H. SCOT SPRAGINS, MSB #7748

Attorney for State Farm Fire and Casualty Company

CERTIFICATE OF SERVICE

I, **H. SCOT SPRAGINS**, one of the attorneys for the Defendant, **STATE FARM FIRE AND CASUALTY COMPANY**, do hereby certify that I have on this date electronically filed the foregoing document with the Clerk of Court using the ECF system which sent notification of such filing to all counsel of record and also forwarded via U. S. Mail a copy to:

Matt G. Lyons
Attorney at Law
910 Washington Avenue
Ocean Springs, MS 39564

DATED: April 3, 2009.

/s/ H. Scot Spragins

H. SCOT SPRAGINS

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